THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.18251 AND 18252 OF 2007

DATED: 01-10-2007

WP.No.18251 of 2007

BETWEEN

M. Ilesh, S/o. Rajaiah,
R/o. H.No.6-4-373/4,
Krishna Nagar,
Bholakpur, Secunderabad.

…PETITIONER

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others.

…RESPONDENTS

WP.No.18252 of 2007

BETWEEN

M. Mahendra Kumar, S/o. Late Narayana,
R/o. H.No.6-4-373/4, Krishna Nagar,
Bholakpur, Secunderabad.

…PETITIONER

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others.

…RESPONDENTS

COMMON ORDER:

Petitioners question the proceedings No.B/80/07 dated 20.08.2007 issued by the Tahsildar, Secunderabad Mandal, under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905
(for short 'the Act') directing them to vacate the property in question at H.No.6-4-373/6 situated in an extent of 42 and 50 sq. yards respectively in T.S.No.46, Block G, Ward No.111, Krishna Nagar, Bholakpur, Secunderabad.

2. Learned counsel for the petitioners submits that pursuant to the impugned proceedings the Tahsildar, Secunderabad passed another order in the same proceedings No.B/80/2007 dated 25.08.2007 stating that the petitioners have encroached not only the aforesaid plots but also other adjacent plots against which notice under Section 7 cum order under Section 6 of the Act has been issued.

3. Admittedly the impugned proceedings are appealable under Section 10 of the Act before the Revenue Divisional Officer and it is also open for the petitioners to question the subsequent order also before the appellate authority.

4. Having regard to the facts and circumstances of the case and as an effective alternative remedy of appeal is available; the petitioners are permitted to file an appeal before the appellate authority against the impugned orders within ten days from the date of receipt of a copy of this order. If any such appeal is filed within the stipulated time, status quo with regard to possession obtaining as on today shall be maintained pending disposal of the appeal.

The writ petitions are accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 1, 2007
Note: Furnish C.C. of the order by 04.10.2007
(**B**/**o**)
DSK